

The complaint

Mr S complains that Bank of Scotland plc trading as Halifax (“Halifax”) declined to refund a failed cash withdrawal.

What happened

Mr S says he used an automated teller machine (ATM) to withdraw about 500 Euros (on 7 October 2023) while he was abroad. Mr S says he never received those funds.

He later contacted Halifax (20 October 2023) to ask about withdrawals from his account, stating that he hadn’t received cash from a withdrawal on 7 October. During that conversation, the Halifax advisor confirmed that:

- Mr S had successfully withdrawn about 500 Euros (£497.01) on 6 October 2023.
- The account hadn’t been debited for a similar withdrawal on 7 October.
- The account was checked for similar withdrawals on 7/8 and 9 October – it was confirmed that no similar withdrawals were recorded.
- Mr S asked for the balance of his account and confirmed that it was as expected.

The following year, Mr S asked Halifax to refund the transaction he believed had been debited from his account during October 2023. Halifax declined the refund and told Mr S he’d been too late to challenge the payment based on Mastercard rules.

Numerous letters were exchanged and Mr S followed up with a complaint. Halifax declined to refund Mr S and wrote to him with their final response. Mr S remained unhappy with their response and brought his complaint to the Financial Ombudsman Service for an independent review.

An investigator was assigned to look into the issue and asked both parties for submissions about what had happened.

Mr S maintained his belief that his account had been wrongly charged and believed he’d spoken to Halifax about the matter at the time. He didn’t think his claim was out of time and thought that Halifax had treated him unfairly.

Halifax provided details of Mr S’s account, including calls recorded and details of their own investigation.

After reviewing the evidence, the investigator concluded that Halifax had acted fairly and didn’t uphold Mr S’s complaint.

Mr S continued to argue that the cash withdrawal had failed, and he was due a refund.

Mr S didn’t believe that the call listed as being on 20 October 2023 took place on that day

and he believed it was much later, sometime in June 2024.

As no agreement could be reached, the complaint has now been passed to me for a decision.

As part of my own investigation, I asked Halifax to provide further transaction data around the time of Mr S's claim.

That information confirmed there was no withdrawal from Mr S's account on the day he claimed (7 October). It did show a failed cash withdrawal on 10 October for around £516 and two successful ones the same day for £433.04 and £151.72.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

The relevant law surrounding authorisations are the Payment Service Regulations 2017 (PSRs) and the Consumer Credit Act 1974. The basic position is that Halifax can hold Mr S liable for transactions he's authorised. If there was evidence that a withdrawal from an ATM somehow failed, Mr S would be unlikely to be held liable for it following the appropriate investigation with the ATM operator.

Having reviewed the available evidence in this case, it's apparent to me that Mr S made a successful cash withdrawal on 6 October 2023. There's no evidence to suggest that he made a similar withdrawal the following day (either in the form of an ATM receipt or from Halifax's own records). There's no evidence to show any further cash withdrawals until 10 October which shows one attempt was declined and two withdrawals were successful.

Mr S believes the call referred to here (20 October 2023) was the following year in June 2024. Halifax have provided a date and time for the call which I've no reason to doubt. Additionally, Mr S says during the call he's talking specifically about transactions that took place on 6,7,8 and 9 October 2023. There's no evidence to support Mr S's belief here that the call took place the following year.

Given what transactions Halifax have recorded on Mr S's account matches Mr S's own recollection in his call with them (20 October 2023), and there's nothing to support ATM activity on 7 October, I think that it was both fair and reasonable for Halifax to decline a refund to Mr S.

I noted the various discussions between the parties concerning time limits surrounding the challenge to the cash withdrawal. Mr S had opportunity on 20 October to raise the matter, but based on what he was told, he considered the account activity was what he was expecting. I don't think Halifax had any grounds at that point to make any further enquiries. Given that there's no evidence a transaction took place on that day, I'm satisfied that Halifax's approach here was both fair and reasonable.

Overall I'm satisfied that Mr S authorised the 6 October and 10 October withdrawals, and as there's no evidence to support a failed withdrawal on 7 October, I won't be upholding this complaint.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 20 February 2026.

David Perry
Ombudsman